

MAY 26 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MILDRED EAGLEFEATHERS,

Defendant - Appellant.

No. 05-30116

D.C. No. CR-03-00080-8-RFC

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Richard F. Cebull, District Judge, Presiding

Submitted January 13, 2006
Submission Vacated January 18, 2006
Resubmitted May 26, 2006^{**}
Portland, Oregon

Before: O'SCANNLAIN, GRABER, and BEA, Circuit Judges.

Mildred Eaglefeathers appeals her 36-month sentence imposed following her guilty plea conviction to conspiracy to distribute a methamphetamine mixture

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

within 1,000 feet of a federal housing project, in violation of 21 U.S.C. §§ 841(a)(1), 846, and 860.

We have jurisdiction pursuant to 28 U.S.C. § 1291. The facts are known to the parties and will not be repeated here.

Eaglefeathers contends that the district court violated her confrontation clause rights by admitting hearsay evidence at sentencing to determine the quantity of drugs for which she was accountable. We disagree. As we recently held, “the law on hearsay at sentencing is still what it was before *Crawford* [*v. Washington*, 541 U.S. 36 (2004)]: hearsay is admissible at sentencing, so long as it is ‘accompanied by some minimal indicia of reliability.’” *United States v. Littlesun*, 444 F.3d 1196, 1200 (9th Cir. 2006) (quoting *United States v. Berry*, 258 F.3d 971, 976 (9th Cir. 2001)).

AFFIRMED.